

**Question on Notice
No. 570
Asked on 17 April 2008**

MS K STRUTHERS asked the Leader of the Liberal Party, Shadow Attorney-General and Shadow Minister for Justice and Fair Trading (MR. MCARDLE) -

QUESTION:

With respect to the Coroners (Reporting Arrangements) Amendment Bill—

- (1) What consultation did he undertake in the drafting of this Bill?
- (2) Is he aware if there is similar legislation operating in other States?

ANSWER:

I would like to thank the Member for Algester for recognising the role the Queensland Coalition is playing in providing a strong and united alternative government with policies worthy of her consideration and interest. This Question on Notice is also an extraordinary testimonial from a Government Member of Parliament who now chooses to direct important questions about policy to the alternative government. This in no small way reflects an underlying lack of confidence in the Bligh Government's ability to provide honest and reliable information about matters of public importance. It is also a view shared by the Queensland Coalition and the Queensland Auditor-General. As the Member is no doubt aware, the Auditor-General's Report to Parliament No.1 for 2008 (Enhancing Accountability through Annual Reporting: A Performance Management System Audit) released on 17 April 2008 found: "Guidance provided by the Department of the Premier and Cabinet and the Treasury Department is not sufficient to support accountability and promote a culture of performance management...[And] The information provided to the Parliament through departmental annual reports does not fully comply with legislation, is incomplete and ambiguous in the portrayal of agency accountability and performance."

I can assure the Member for Algester that in preparing *the Coroners (Reporting Arrangements) Amendment Bill*, I have not adopted the titular standards of transparency and accountability that are the hallmark of this Queensland Labor Government. Similarly, I will not use the comparative resource disparity between my office and that of the Queensland Attorney-General and Minister for Justice's Office (at least 2,537 public servants, as well as an undisclosed number of political staffers) as an excuse for not answering the Member for Algester's Question on Notice. This is in contrast to the Minister for Transport, Trade, Employment and Industrial Relations, who used this as an excuse to avoid answering a Question on Notice earlier this year (see QON – No.: 325), or the Queensland Treasurer who made a funding source magically disappear to avoid answering a Question on Notice (see QON - No.: 198).

1/. The Member for Algester need only read the *Queensland Ombudsman's* December 2006 report, *'The Coronial Recommendations Project: An investigation into the administrative practice of Queensland public sector agencies in assisting coronial inquiries and responding to coronial recommendations'* as the justification for the Queensland Coalition introducing the *Coroners (Reporting Arrangements) Amendment Bill*. I refer the honourable Member for Algester to the 2006 Ombudsman's Report to discover that an extensive evaluation was undertaken of interstate and overseas situations in making this recommendation. The Office of the Premier and Cabinet should be able to provide a copy of this report. If the Member for Algester's request is met with obstruction, I would be happy to make a copy of this available to her.

2/. Again, the Member for Algester need only read the *Queensland Ombudsman's* December 2006 report, *'The Coronial Recommendations Project: An investigation into the administrative practice of Queensland public sector agencies in assisting coronial inquiries and responding to coronial recommendations'* as the justification for the Queensland Coalition introducing the *Coroners (Reporting Arrangements) Amendment Bill*. Similar applications of this mandatory reporting mechanism were included in the Royal Commission into Aboriginal Deaths in

Custody, the *Coroners Act 1997* (ACT), and the *Coroners Act 1993* (NT). The South Australian Coroner's Court has made a similar recommendation. And, in 2000 the Victorian State Coroner recommended the Attorney-General consider the issue of mandatory reporting on the implementation (or otherwise) of coronial recommendations, which was backed up by the *Victorian Law Reform Committee Report* in 2006 calling for responses to a coronial recommendation within six months.

The Member for Algester should be aware that the Queensland Ombudsman's 2006 inquiry examined 79 deaths where there were coroner inquest recommendations made against at least 23 Local and State government agencies. Worryingly, the Ombudsman found that about 40 per cent of coronial recommendations made to State Government agencies were simply ignored. This equates to Coroner recommendations following the unusual and unexpected deaths of about 32 Queenslanders over a two year period being ignored by Queensland Government agencies. And this is not dissimilar to the dangerous lack of accountability and reporting mechanisms within Queensland Health that contributed to the tragic death toll at the Bundaberg Hospital.

While there is an administrative cost involved in introducing any procedural government reporting arrangements, it would be negligible through the integration of existing reporting and operating systems and full compliance with coronial investigations. Importantly, if a coroner's inquest has identified that a Government property, or process (or lack thereof), has contributed to the death or serious injury of someone, it is incumbent upon the owner of a property (or process) to take necessary steps to prevent a reoccurrence of a fatality or serious injury. It follows there should be system-wide reporting on safety checks and follow-up risk-mitigation action at a site of injury or death. Put simply, unlike the recent Torres Strait nurses workplace security crisis, risk mitigation work should not simply be reliant on selective political crisis management exercises aimed at controlling media interest. Importantly, the proposed amendment has the potential to save lives and improve accountability – at minimal cost to the Queensland Government.

As the Member for Algester should be aware, the current Queensland Government has an appalling track record on accountability and performance management. The Queensland Ombudsman (2006) has argued "the ability of the Queensland coronial system to prevent death and injury would be substantially improved by a requirement that public sector agencies respond to coronial recommendations that relate to legislation they administer. The arguments for this position are highly persuasive, while arguments against are not consistent with a best practice accountability framework." Indeed, the Ombudsman notes that public sector agencies believed they should respond to coronial recommendations directed to them as a matter of good administrative practice. For this reason, I encourage the Member for Algester to support the *Coroner's (Reporting Arrangements) Amendment Bill* when it is debated in Queensland Parliament. Notably, on 17 April 2008 Premier Bligh advised Queensland Parliament that the Queensland Government would "explore new ways to improve performance management".

I refer the Honourable Member to Questions on Notice No. 553, No. 586 and No. 572 for more information.